Larry R. Larcock Jonathan W. Richards DAVIS R. WRIGHT JOHN C. STANGHAM JOHN M. GUY CHARLES L. ROBERTS Dana L. Tangren ERIC L. MASCHOFF CHARLES I. VEVERKA ROBYN L. PHILLIPS RICHARD C. GILMORE \* STERLING A. BRENNAN R. Burns Israelsen DAVID R. TODD GREGORY M. TAYLOR DAVID B. DELLENBACH L. DAVID GRIFFIN ADRIAN J. LEE FRASER D. ROY CARL T. REED



R. PARRISH FREEMAN, JR. PETER F. MALEN, JR. L. REX SEARS, PH.D. WILLIAM R. RICHTER ERIC M. KAMERATH ROBERT E. AYCOCK JENS C. JENKINS KEVIN W. STINGER WILLIAM J. ATHAY MICHAEL B. DODD RYAN D. BENSON SARA D. JONES TIGE KELLER Janna L. Jensen MATTHEW D. TODD J. LAVAR OLDHAM MICHAEL J. FRODSHAM JOSEPH L. KRUPA BRETT A. HANSEN BRETT 1. JOHNSON MATTHEW A. BARLOW WESLEY C. ROSANDER Andrew S. Hansen CHAD E. NYDEGGER JOSEPH G. PIA CLINTON E. DUKE DAVID J. LORENZ † RYAN N. FARR \* JAMES B. BELSHE

07-30-04

## WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: HTTP://www.wnlaw.com



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PATENT APPLICATION Docket No. 15436.436.5

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
	Ralph H. Johnson	)
Serial No.:	10/026,020	) Art Unit ) 2828
Filed:	December 27, 2001	) 2020
Conf. No.:	6112	)
For:	VERTICAL CAVITY SURFACE EMITTING LASER INCLUDING INDIUM AND ANTIMONY IN THE ACTIVE REGION	) ) )
Examiner:	Dung T. Nguyen	)
Customer No.:	022913	)

# TRANSMITTAL FOR RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response To Notice of Non-Compliant Amendment for entry in the above-identified application.

To secure the approval of the Examiner for proposed amendments, enclosed are the following:

- X Complete Listing of Claims reflecting all Amendments;
- X Petition for a Four-Month Extension of Time; and
- X PTO-2038 in the amount of \$1480.00 to cover the fee for the extension of time.
- X A Certificate of Express Mail Under 37 C.F.R. § 1.10.
- <u>X</u> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.
  - X Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
  - X Any patent application processing fees under 37 CFR 1.17.
- X A duplicate copy of this transmittal letter is attached.

Dated this 28 day of July 2004.

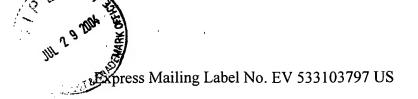
Respectfully submitted,

ETNERS

Eric L. Maschoff Attorney for Applicant Registration No. 36,596

Customer No. 022913

ELM:kk KKK0000003832V001



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Customer No.:	022913	)

### CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that the following documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Mail Stop AMENDMENT – FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the <u>Al</u> day of July 2004.

- Transmittal Letter (2 pages) (in duplicate)
- Response to Notice of Non-Compliant (9 pages)
- Petition for Four-Month Extension of Time
- PTO-2038 Credit Card Payment Form in the amount of \$1480.00
- Postcard

Respectfully submitted.

Kimberly Kendrick, Paralegal to Eric L. Maschoff

Customer No. 022913

ELM:kk KKK0000003832V001